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ANGEL PALACIOS MENDEZ ALVARO 77 PORTAL 4 PISO 4B MADRID 28045 ES SPAIN

MAILED

MAY 0 9 2011

In re Application of Angel Palacios

OFFICE OF PETITIONS

Application No. 10/599,384

DECISION ON PETITION

Filed: September 27, 2006

Attorney Docket No.

This is a decision on the petition, filed April 12, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice of Non-Compliant mailed July 13, 10, which set a one (1) month or thirty (30) days period for reply. A Notice of Abandonment was mailed on January 31, 2011.

Petitioner states "After receiving the Notice of Abandonment enclosed with this letter I checked my files and I saw that I had in fact submitted my response to the Office Action mentioned. You can find attached both my response and the copy of the receipt that was received by the fax machine, sent by the USPTO fax machine."

See 37 C.F.R. § 1.8

- (1) Correspondence will be considered as being timely filed if:
- (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
 - (A) Addressed as set out in § 1.1(a) and

Deposited with the U.S. Postal Service with sufficient Postage as first class mail;
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with 1.6(d).

The copy of the facsimile transmitted filed with the petition on April 12, 2011 is not in compliance with 37 CFR § 1.8. See MPEP 512.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), \$810.00 for a small entity;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By FAX:

(571) 273-8300

Attn: Office of Petitions

By hand:

Customer Service Window

Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3210.

Irvin Dingl

Petition Examiner Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed July 13, 2010.